

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EMERSON TUCKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08 C 684
	)	
DETECTIVE JOHN CLIMACK, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

Pro se plaintiff Emerson Tucker ("Tucker"), now being held as a pretrial detainee at the Cook County Department of Corrections, has filed a self-prepared hand-printed Complaint against a host of New York and Illinois defendants, stemming from the facts (1) that when he was extradited from New York City to Chicago last month a large amount of his personal property (most of it having to do with his legal matters) was mailed here rather than accompanying him on the plane and (2) that the property has not been delivered to him since his arrival here. According to Complaint ¶13, it is being held at the Chicago Police precinct at 3151 West Harrison Street here in Chicago. Both Complaint ¶¶13 and 14 refer to Chicago Police Detectives John Climack and Carlo as having said that the property will be held there until Tucker provides a court order from a Chicago judge calling for its release.

This Court is frankly at a loss to understand why this matter is being submitted in its present form at the present

time. Although Complaint ¶6 identifies Tucker's New York lawyer Sean Maher as having stated that he will continue to represent Tucker pro bono until Tucker is assigned counsel here in Chicago, there is no indication as to why that has not yet taken place. And it sounds as though as soon as local counsel does undertake the representation, there should be no problem in getting the property released.

That being the case, it would certainly appear that the local defendants would not be subject to liability under 42 U.S.C. §1983 or any other potentially applicable federal statute, at a minimum under the doctrine of qualified immunity. And if such is indeed so, this action would either call for a dismissal as to the New York-based defendants as not being subject to personal jurisdiction here or, as Tucker has said in an accompanying submission that in part asks that he be provided an in forma pauperis form, the case could be transferred to the United States District Court in New York.

This Court will take no action toward dismissal of the case until it receives further input from Tucker as to his effort to obtain his papers in a straightforward way. At that point it will determine the most appropriate course of action.



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Milton I. Shadur  
Senior United States District Judge

Date: February 4, 2008